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| 23446 | 7590 | 12/22/2008 | EXAMINER | |
| MCANDREWS HELD & MALLOY, LTD | | | BATES, KEVIN T | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JEYHAN KARAOGUZ
and JAMES D. BENNETT

Application No. 10/672,601
Technology Center 2400

Mailed: December 22, 2008

Before KAREN SWEENEY, *Paralegal Specialist*

SWEENEY, *Paralegal Specialist.*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on November 4, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matters requiring attention prior to docketing.

EXAMINER'S ANSWER, STATUS OF CLAIMS

A review of the file finds that the status of the claims as provided in the Examiner's Answer mailed September 29, 2008 under the heading "Status of Claims" is unclear and/or is not consistent with the status of claims of record in accordance with 37 C.F.R. § 41.37(c)(1)(iii). The status of the claims as provided in both the Examiner's Answer and the Appeal Brief must be consistent with the last entered Amendment. Each claim on appeal must be identified. *See also Manual of Patent Examining Procedure* (MPEP) § 1205.02 (8th ed. Rev. 6, Sept 2007) for details.

A review of the last entered Amendment finds that claims 16, 19-23, 25, 27, 29-32, 36-39, 41, 43 and 45-47 are rejected under 35 U.S.C. 103(a) ... Narasimhan; whereas the Examiner has either not indicated the status of these claims or has improperly listed these claims as 16, 19-23, 25, 27, 29-32, 36-39, 41, 43 and 45-57. In addition, claim 35 is not listed in the rejection.

Correction of the status of all claims is required.

Accordingly, it is ORDERED that the application is returned to the Examiner:

- 1) to vacate the Examiner's Answer mailed September 29, 2008;
- 2) to generate a new Examiner's Answer setting forth the correct status of claims and to correct other sections of the Answer as may be required; and

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3) and for such further action as may be required.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ/kis

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